

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DEC 30 2009

JOHN F. CONGDON, CLERK
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DAVID F. SPRINKLE,)
Plaintiff,) Case No. 7:08CV00430
v.)
FINAL ORDER
EARL BARKSDALE, ET AL.,) By: Glen E. Conrad
Defendants.) United States District Judge

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED

that the motion for summary judgment filed by Defendants Cypress and Downes is **GRANTED**; all claims against Defendant Hardy are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for failure to state a claim; and the action is hereby stricken from the active docket of the court.

ENTER: This 30th day of December, 2009.

Eric C. Conrad
United States District Judge